

IN RE: PETITION FOR RESIDENTIAL VARIANCE\* BEFORE THE  
SE/Corner Pent Angle Way and Penn Avenue  
(9321 Pent Angle Way)  
11th Election District  
5th Councilmanic District  
John R. Diggs, Jr., et ux  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (inground swimming pool) to be located in the third of the lot closest to the side street in lieu of the third of the lot farthest removed from the side street, in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of July, 1991 that the Petition for Residential Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (inground swimming pool) to be located in the third of the lot closest to the side street in lieu of the third of the lot farthest removed from the side street, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The Petitioners are prohibited from locating any permanent structure within the Baltimore County drainage and utility easement located on their property as depicted on Petitioner's Exhibit 1. To further clarify this point, the Petitioners may locate a structure within said easement, but it must be a structure that the Petitioners are capable of and willing to move in the event Baltimore County ever needs access to said easement at any time in the future. Should the Petitioners locate part of the swimming pool structure within said easement, they must be prepared to remove that structure if and when asked to do so by Baltimore County and must do so in a prompt and reasonable amount of time.

3) Should Baltimore County ever need access to said easement, the Petitioners covenant and agree that they will not hold the County liable for any incidental damage that may result to their pool by virtue of the County utilizing said easement.

4) The Petitioners hereby covenant and agree that they will not bring any legal action against Baltimore County, by way of injunction or any other cause of action, to try to prevent Baltimore County from accessing and utilizing said easement in the event it becomes necessary to do so.

5) This Order shall be binding on the Petitioners, Ruth A. Diggs and John R. Diggs, Jr., their successors, heirs and assigns and any future purchaser of the subject property located at 9321 Pent Angle Way. The restrictions contained herein shall run with the land.

6) Prior to the issuance of any permits, Petitioners shall record a copy of this Order in the Land Records of Baltimore County. A copy of the recorded Order shall be submitted to the Zoning Commissioner's Office for inclusion in the case file prior to the issuance of any permits.

7) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.1 TO PERMIT AN ACCESSORY STRUCTURE (A PROPOSED INGROUND POOL) TO BE LOCATED IN THE THIRD OF THE LOT CLOSEST TO THE SIDE STREET IN LIEU OF THE THIRD OF THE LOT FARTHEST FROM THE SIDE STREET ATT. A of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s) (indicate hardship or practical difficulty): TO CONSTRUCT AN INGROUND SWIMMING POOL IN THE STREET SIDE 1/3 OF REAR PROPERTY. GRADE PROHIBITS PLACEMENT OF POOL IN THE RIGHT SIDE OF REAR YARD

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 15 day of JUNE, 1991, that the subject matter of this petition be posted on the property on or before the 3 day of JULY, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reported, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_.

ORDER RECEIVED FOR FILING

Date 7/8/91

By [Signature]

ZONING COMMISSIONER OF BALTIMORE COUNTY

PETITION FOR RESIDENTIAL VARIANCE

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Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

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Address

Phone

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ZONING COMMISSIONER OF BALTIMORE COUNTY

TO AMEND THE LAST APPROVED FINAL DEVELOPMENT PLAN OF THE JASPER PROPERTY AND TO PERMIT A POOL TO BE PARTIALLY LOCATED IN A DRAINAGE AND UTILITY EASEMENT.

SEE E. ANGELO (MAPS INC.)

ALERT FOR HOHNE POOLS

91-484-A



Metropolitan Associated Permit Services, Inc.

Oakland Center  
8930 Route 108, Unit F  
Columbia, Maryland 21045

301-995-5100 1-800-117-4947 301-621-6220 FAX: (301) 995-5403  
James C. McKeever, Jr., President

ZONING DESCRIPTION

Beginning at a point at the intersection of the Easternmost rights of way line of Pent Angle Way (50 feet wide) with the Southernmost right of way line of Penn Avenue (50 feet wide) being known as Lot 25, on Record Plat #51, Folio 108, Section III, the Jasper property. Also known as 9321 Pent Angle Way in the 11th Election District.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 11th Date of Posting 6/28/91

Posted for: variance

Petitioner: John R. Diggs, Jr., et ux

Location of property: SE/Corner Pent Angle Way & Penn Ave

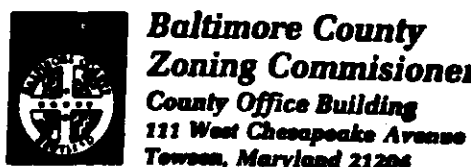
9321 Pent Angle Way

Location of Sign: Along Pent Angle Way, across 15' Front Yard

Remarks: property of E. Angelo

Posted by: Matthew [Signature] Date of return: 7/5/91

Number of Signs: 1



Date

6/18/91 H9100495

PUBLIC HEARING FEES QTY PRICE

010 - ZONING VARIANCE (IRL) 1 X \$35.00

080 - POSTING SIGNS & ADVERTISING 1 X \$25.00

TOTAL: \$60.00

LAST NAME OF OWNER: DIGGS

PLEASE MAKE CHECKS PAYABLE TO: BALTIMORE COUNTY ZONING DEPARTMENT

Checklist Verification

receipt

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

June 25, 1991

88° 3454

John and Ruth Diggs  
9321 Pent Angle Way  
Perry Hall, Maryland 21226

Re: CASE NUMBER: 91-484-A

LOCATION: SEC Pent Angle Way and Penn Avenue  
9321 Pent Angle Way

COPY

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a reaffirmation regarding the administrative process.

1) Your property will be posted on or before July 3, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is July 18, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

131

G. G. Stephens  
(301) 887-3391



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

July 24, 1991

Mr. & Mrs. John R. Diggs, Jr.  
9321 Pent Angle Way  
Perry Hall, Maryland 21236

RE: PETITION FOR RESIDENTIAL VARIANCE  
SE/Corner Pent Angle Way and Penn Avenue  
(9321 Pent Angle Way)  
11th Election District - 5th Councilmanic District  
John R. Diggs, Jr., et ux - Petitioners  
Case No. 91-484-A

Dear Mr. & Mrs. Diggs:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*Timothy N. Kotroco*  
TIMOTHY N. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

File

Sub 12-1 91-484-A

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 3, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for July 2, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 407-revised, 432, 434, 436, 497, 499, 500, 501, 502 and 503.

For Items 429-revised, a County Review Group Meeting is required.

For Item 272 (Case No. 90-434-SPHA), the previous County Review Group Meeting Comments are still applicable.

For Item 493, a 5-foot widening strip is requested for the ultimate 50-foot right-of-way width of Railroad Avenue.

For Item 495, no permanent structures are allowed within the limits of Baltimore County drainage and utility easements.

For Item 498, a County Review Group Meeting is required. In addition, the following highway comments are provided:

Red Lion Road is an existing road, which shall ultimately be improved as a 40-foot street cross-section on a 60-foot right-of-way.

The Developer's responsibilities along the existing frontage of this site shall be as follows:

- The submission of detailed construction drawings to extend a minimum distance of 200 feet beyond the limits of the site, or as may be required to establish line and grade.

Zoning Advisory Committee Meeting July 2, 1991  
Page 2

- The submission of full cross-section as deemed necessary for design and/or construction purposes. The sections are to be taken at 25-foot intervals and are to be shown on standard cross-section paper at 1"=5' horizontal to 1"=5' vertical scale.
- The preparation of the right-of-way plat for, and the dedication of any widening and slope easements at no cost to the County.
- The preparation of the right-of-way plat for any offsite road rights-of-way required to make the necessary improvements. Baltimore County will attempt to acquire the right-of-way at the Developer's expense.
- The grading of the widening and the existing road to the established grade. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.
- The relocation of any utilities or poles as required by the road improvements.
- The construction of combination curb and gutter in its ultimate location and a maximum of 23.5 feet of paving adjacent thereto along the frontage of the property. The paving thickness shall conform with Baltimore County standards.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

DATE: August 27, 1991

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: July 2, 1991

This office has no comments for items number 492, 494, 495, 496, 498, 499, 500, 501, 502 and 503.

*Rahee J. Famill*  
Rahee J. Famill  
Traffic Engineer II

RJF/lvd

CASE NUMBER

91-484-A

PETITIONER'S EXHIBIT#



HOHNE

91-484-A

TO WHOM IT MAY CONCERN,

I/WE THE UNDERSIGNED HAVE NO OBJECTION TO THE SWIMMING POOL AS PROPOSED, TO BE BUILT BY HOHNE POOLS AT 9321 PENT ANGLE WAY.

*John R. Diggs, Jr.*  
DATE

*John R. Diggs, Jr.*  
NAME ADDRESS

LETTERS  
FROM  
NEIGHBORS

Hohne Pool, Spa  
& Water Care Centers  
9000 Harford Road  
Baltimore, MD 21234-4015  
(301) 448-1300  
In MD (800) 225-9445

CASE NUMBER

91-484-A

PETITIONER'S EXHIBIT#



CASE NUMBER

91-484-A

PETITIONER'S EXHIBIT#



91-484-A



700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(801) 887-4500

JULY 26, 1991

J. Robert Heines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JOHN R. DIGGS, JR.

Location: #9321 PENT ANGLE WAY

Item No.: 495 Zoning Agenda: JULY 2, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: *John R. Diggs, Jr.* Noted and  
Planning Group Approved: *John R. Diggs, Jr.*  
Special Inspection Division Fire Prevention Bureau

JK/PEP

*Rec'd 7/31/91*  
*JK*



